



THE שבוע MATTERS

לע"נ ברוך בענדיט וברכה גרוס ע"ה
by Mr. & Mrs. Duvy Gross

שבת קודש פרשת מקץ

מסכת יבמות דף לא

לרפ"ש נסים בן סולטנה ויפה בת מוטארם

Insights from our Chaburos

Kiddushin BKsav Yado and Yosef

By Rafi Wolfe, Toronto, ON

Tosafos on daf 31b has a suffik if kiddushin works with kesav Yado. Since it works for gerushin, but there's a problem of no eidim on the zman, lichora it should work for Kiddushin, which doesn't need zman.

I heard in the shiur from Rav Moshe Aharon Friedman that the Rashba says it's pashut it doesn't work, since it's a meyuchadike din by gerushin, which we don't learn out for some reason. The Ritva and Nemukei Yosef hold it Vadai works.

My favorite sefer on Chumash, the Beer Yosef by Rav Yosef Salant, wants to bring a raya to the Ritva and Nemukei Yosef that it works from Yosef HaTzaddik. In two weeks we'll see in Vayechi that Yaakov wanted to bench Yosef's children, but then saw through nevuah the bad things that would come from them. He was concerned that they had bad yichus. Rashi says he showed his father his shtar erusin and shtar kesubah, to show his marriage to bas potiphar was proper.

The Beer Yosef asks how Yosef was mekadesh beshtar? Who were the eidim? He was in Mitzrayim, with no kosher eidim. He says it must be that Yosef wrote the shtar beksav yado, and we see then that it's kasher for Kiddushin.

Review & Remember

1. What is the halachic significance of מגורשת ואינו מגורשת?
2. When is a sale of property executed by Bar Shatya valid?
3. Why is it not necessary to include the date in kiddushin document?
4. How is it possible for a woman to carry two zikahs?

Stories off the Daf

An Insane Sale

וארעא אוקמא בחזקת בר שטיה

On this week's daf, we learn about Bar Shatya; at times he was in his right mind, and at times he was not. If he sold property when not in his right mind the Chachomim agree that there is no sale.

There was once an exceedingly wealthy man who felt very complacent. He would often say, "How could Hashem possibly make me lose my money? I am so wealthy that it would be impossible for me to lose everything." People would hear him and would try to steer him away from such language, but the wealthy man refused to listen. One day, the man was gripped by a sudden fit of insanity. He felt an irrepressible urge to become an apostate! In a fever of madness, he ran to the priest of the town and begged to undergo conversion. The priest glared at him, "Surely you mock me! You are the most prominent man in this town and are always poking fun at the church. Well, your attempt at a practical joke to embarrass us will not succeed because I am smarter than you think!" "I am serious! Please help me," implored the man, clearly out of his mind. The priest considered. "If you are really serious, sign over your money to the church. That way I will be assured of your sincerity and can arrange a date for conversion." The wealthy Jew signed over all of his property to the church. As the formerly wealthy Jew left the building, his mind returned to normal and he was horrified by his impetuous deed. "What came over me? Oy vey!" he cried. He ran to the Rebbe of the town. "Rebbe, you must help me! I always boasted that Hashem couldn't cause me to lose my money! But just look at me now. I have nothing! I regret my words and I surely deserve what happened to me, but think of the chilul Hashem that this will cause!" "Don't worry. Just pray and hope for the best. Since I can see that your teshuva is sincere, we can trust that Hashem will undo the damage that you have done." The man went home and petitioned Hashem with his whole heart. That night there was a fire in the church. It, together with the contract, burned to the ground!

Parsha Connection

In this week's daf we learn about the concept of יגיד עלי ריער, which the Gemara uses to explain how one case informs about another; Kiddushin informs about Gerushin. In this week's Parsha we find a similar idea. Pharaoh's butler relates to the king how Yosef interpreted both his dream and the baker's dream, and how the dreams informed each other. This also informed the butler that Yosef will be able to correctly interpret Pharaoh's dream. After Yosef interprets the king's dream he suggests as follows: "ועתה ירא פרעה איש נבון חכם וישיתוהו וכו'" and now Pharaoh should seek a wise and discerning man to oversee the food preservation. Why was it necessary to seek a wise man? Wouldn't it suffice to find someone with good managerial skills? The מפרשים explain that there was a lot of skill needed to properly store so much grain in a way that would keep everything fresh, and avoid decay. In addition, Yosef understood that one needs the proper wisdom to be able to imagine a future famine at a time when everything is available in great abundance. Most people would have difficulty envisioning such a drastic change, but a wise man "sees the future"! (Heard from Rabbi Baruch Rosenblum) Let us incorporate this foresight into our lives!

CONTINUED

Halacha Highlight

Placing the גט into the woman's hands

היתה עומדת ברשות הרבים וזרקו לה קרוב
לה מגורשת וכו'

Shulchan Aruch¹ rules in accordance with our Gemara that if a man throws a גט to his wife and it lands in her yard or, if she is standing in a public domain, within her four amos the divorce is valid. Rema² writes that this ruling is true according to the letter of the law but l'chatchila a גט should not be thrown into her yard or even on to her clothing; rather the גט should be put directly into her hand to follow the instructions of the Torah to place the גט directly into her hand – ונתן בידה –.

Following this ruling Rema adds that the custom is that the woman should not have anything in her hands, even a ring, at the time she is receiving her גט. Rav Chaim Benvenisti³, the Knesses Hagedolah, explains that the concern is that the ring can become an interposition between her hand and the גט. Therefore, she should also be careful that her sleeve does not cover her hand at the time she receives her גט. Rav Meir Eisenstadt⁴, the Pischei Teshuva, cites opinions who maintain that the concern of an interposition is a mere stringency. The reason is that she is acquiring the גט by lifting it (הגבחה) and the issue of an interposition is not a factor for that method of acquisition. Rav Mordechai Yafa⁵, the Levush, writes that the reason to be concerned about an interposition is that acquiring the גט is not sufficient because there is an additional requirement to place the גט into her hand - ונתן בידה - which requires that the גט should be in her hand without an interposition.

Teshuvos Shoshanim L'Dovid⁶ was asked whether a woman's request that her גט should be thrown into her property should be honored. One of the issues examined was whether Sefardim accepted this stringency of the Rema. His conclusion was that Sefardim follow the stringencies of Rema concerning matters of Gittin, especially in this case since this opinion is cited by the Beis Yosef. Therefore, one has no authority to disregard this stringency.

1. שו"ע אה"ע סי' קל"ט
2. ס"מ ס"י י"ד
3. כנה"ג סדר הגט חלק הששי ס"ע א'
4. פת"ש סדר גיטין אות רכ"א בשם הג"מ מקושר
5. לבוש סי' קל"ט ס"ע י"ד
6. דיני הגט ס"ע ל'

Mussar from the Daf

Bearing Witness

The Gemorah cites a klal in that edus needs to be based on the witnesses experience (M'pihem) and not based on their reliance on what was written in a shtar without having a personal memory or experience (v'lo mipi kesavam). This concept may be applied to our Avodas Hashem as well. Every Shabbos when we refrain from melacha, we are giving edus that Hashem created the world. In the same way as in our gemorah, our edus should be m'pihem and not m'pi kesavam. The Emunah that we testify to should come from our own personal experiences. We can palpably experience Hashem as the Creator of the world when we examine and contemplate nature. We can experience Hashem as the creator of the world as we see the chochma of Torah. And we can see Hashem as the creator of the world as we identify His involvement throughout history and our own life experiences. (AleI Shur 2) It shouldn't be something we merely testify to in our tefilos based on a text.

Point to Ponder

The Gemara discusses the Mishna regarding חליצה for a ערוה, whereby the Erva's marriage to the deceased brother is questionable. This can be caused by 2 possible events; either the kidushin are in doubt, or the divorce is in doubt. The גמרא explains that we must be mindful of the possible interpretation of our rulings with regards to others. For example, someone seeing the co-wife getting Chalitzta may assume that she can't be a ערוה, since, if she was, there would be no Chalitzta. The Gemara uses the same argument for both ספק קידושין and ספק גירושין. We can easily understand that in case of a questionable marriage Chalitzta of the co-wife proves that the ערוה wasn't married, for if she were there would be no Chalitzta. But in case of a questionable divorce of an Erva why would this be the case? Why would the Chalitzta of the co-wife not give the impression that the Erva was fully divorced, and that the ערוה chose Chalitzta over Yibum (which happens often)?

Response to last week's Point to Ponder

Rav Nachman says that from the first mishna we can deduce that there is no zika. His proof is from the Mishna's statement that if the 3rd brother did מאמר on his late brother's widow, his wife gets Chalitzta. We can infer from there that without מאמר she would be eligible for יבום. Why can't it be that without מאמר she would still only get Chalitzta, but the Mishna is informing us that with מאמר she still NEEDS Chalitzta? This would also seem to fit better into the words of the Mishna, because if the Mishna intended to teach about Zika, it could have done so more directly.

Seeing as we already had a Mishna in the second perek (דף י"ז) that discussed the effect of מאמר on a ערוה, צרת ערוה, there is no need to discuss the limitations of מאמר here. Rav Nachman is, therefore, able to deduce from our Mishna that there is no Zika (See רבינו פרץ).

ר' יוסף שמואל שמעלקא בר יצחק מערמעלשטיין ז"ל Shelly Mermelstien לע"נ Yevamos has been dedicated in

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